

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than two years.

Name	Mr X
Citizenship	Country A
Year of birth	1987
Ombudsman ID	1002751-O
Date of department's report	31 August 2017
Total days in detention	730 (at date of department's report)

Detention history

May 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Facility B.
June 2012	Transferred to Facility C.
August 2012	Transferred to Facility D.
October 2012	Granted a bridging visa and released from immigration detention.
January 2016	Re-detained under s 189(1) and transferred to Facility E.
January 2016	Transferred to Facility F.
June 2016	Transferred to Facility D.
November 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Visa applications/case progression

July 2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
September 2012	Lodged a Protection visa application.
October 2012 and August 2015	Granted a bridging visa.
July 2013	Protection visa application refused.
May 2015	The Refugee Review Tribunal (RRT) affirmed the refusal decision.
March 2016 and June 2016	Lodged bridging visa applications which were deemed invalid under s 46A.
July 2016	The Federal Circuit Court dismissed Mr X's application for judicial review of the RRT decision.
August 2016	Applied to the Federal Court for judicial review.
August 2017	The Department of Home Affairs (the department) advised that Mr X had been identified for assessment against the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.

November 2017	Granted a Final Departure Bridging visa.
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Health and welfare

International Health and Medical Services advised that Mr X was monitored for the management of a medical condition and attended physiotherapy. Mr X also engaged with the mental health team as required after disclosing a history of torture and trauma.

Other matters

July 2016	The department was notified that Mr X lodged a complaint with the Australian Human Rights Commission. In September 2016 the department provided a response. The matter was closed in May 2017.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the department's report Mr X was awaiting the outcome of judicial review.

Mr X was granted a Final Departure Bridging visa in November 2017 and was released from immigration detention.